

IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

IN RE:

CASE NO. 13-52196

DEBTORS

CHAPTER 7

JAMES B. WHITAKER  
REBECCA L. WHITAKER

JUDGE ALAN M. KOSCHIK

**NOTICE OF TRUSTEE'S INTENT SELL DEBTORS'**  
**INTEREST IN REAL ESTATE**

**TO ALL PARTIES IN INTEREST:**

**PLEASE TAKE NOTICE**, that Kathryn A. Belfance, Chapter 7 Trustee, in accordance with the provisions of Rules 2002 and 6004 of the Federal Rules of Bankruptcy Procedure, and 11 U.S.C. § 363 gives notice to all creditors and parties in interest of an opportunity for hearing and of the Trustee's intention to sell Debtors, James and Rebecca Whitaker's interest in the real estate known as 1209-1215 S. Arlington Street, Akron, OH 44306, more particularly described in "Exhibit A," attached hereto and incorporated herein (the "Property"). The Trustee intends to sell the Debtors' interest in the Property to Mustafa Hamed, for the sum of One Hundred Fifty Thousand and 00/100 Dollars (\$150,000.00) as listed in the purchase agreement attached hereto as "Exhibit B."

The Trustee submits that the sale of Debtors' interest in the Property is for the highest and best price obtainable, and will be sold without any representations or warranties by the Trustee. Such sale of the Debtors' interest in the Property shall occur

on or after 21 days from the date of the notice hereof unless an objection and request for a hearing is made as set forth below.

Upon the sale of the Real Estate, the Trustee shall be authorized and empowered to pay the costs of sale including but not limited to: any mortgages, taxes, liens or other encumbrances, and reasonable title or escrow fees. The compensation of realtors shall be subject to further order of this Court.

There being no just reason for delay, the Certificate of No Objection shall be entered as a final Order upon the docket of the Court.

**OBJECTIONS NOT TIMELY FILED AND SERVED  
SHALL BE DEEMED WAIVED**

Respectfully submitted,

/s/ KATHRYN A. BELFANCE  
**KATHRYN A. BELFANCE**  
Registration No. 0018035  
50 S. Main Street, 10<sup>th</sup> Floor  
Akron, Ohio 44308  
(330) 434-3000  
(330) 434-9220 Fax  
[kb@rlbllp.com](mailto:kb@rlbllp.com)  
*Chapter 7 Trustee*

**NOTICE OF TRUSTEE'S INTENT TO SELL**  
**DEBTORS' INTEREST IN REAL ESTATE**

Kathryn A. Belfance, Chapter 7 Trustee, has filed papers with the Court to sell the Debtors' interest in the real estate known as 1209-1215 S. Arlington Street, Akron, OH 44306, to Mustafa Hamed.

**Your rights may be affected.** You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to allow the sale, or if you want the court to consider your views on the sale, then on or before **twenty-one (21) days**, or such other time fixed by the Federal Rules of Bankruptcy Procedure or statute or as the Court may order, after service is filed and serve a response or request for hearing. If no response or request for hearing is timely filed with the Court and served upon counsel for the movant, the Court may grant the relief requested in the notice without a hearing.

If you do not want the court to allow the sale without holding a hearing, or if you want the court to consider you views on the sale, then on or before **February 4, 2015** you or your attorney must:

**File with the court a written objection or response to:**

**Clerk, United States Bankruptcy Court**  
**455 U.S. Courthouse**  
**2 South Main St.**  
**Akron, Ohio 44308**

If you mail your Objection to the court for filing, you must mail it early enough so the Court will receive it on or before the date stated above.

**You must also mail a copy to:**

**Kathryn A. Belfance, Esq.**  
**Roderick, Linton, Belfance LLP**  
**50 S. Main Street, 10<sup>th</sup> Floor**  
**Akron, Ohio 44308**

**If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief without holding a hearing.**

Date: January 14, 2015

Signature: /s/ Kathryn A. Belfance  
Name: KATHRYN A. BELFANCE

## **CERTIFICATE OF SERVICE**

I hereby certify that on this 14<sup>th</sup> day of January 2015, a true and correct copy of the Notice of Trustee's Intent to Sell Debtors' Interest in Real Estate was served as follows:

Via the Court's Electronic Case Filing System on these entities and individuals who are listed on the Court's Electronic Mail Notice List:

Office of the U.S. Trustee  
Michael L. John, on behalf of James and Rebecca Whitaker, at  
[amarksandjohn@neo.rr.com](mailto:amarksandjohn@neo.rr.com)  
Scott D. Fink, Creditor, at [ecfnndo@weltman.com](mailto:ecfnndo@weltman.com)  
Shannon B. Kreshtool, Creditor, at [sbk@weinstocklegal.com](mailto:sbk@weinstocklegal.com)  
Kathryn A. Belfance, Trustee, at [kb@rlblp.com](mailto:kb@rlblp.com)

And by regular U.S. mail, postage prepaid, on:

James and Rebecca Whitaker, Debtors, 3364 Easton Road, Norton, OH 44203  
Jack Marsillo, Real Estate Agent, 2800 W. Market Street, Fairlawn, OH 44333  
Mustafa Hamed, Interested Party, 1381 Betana Avenue, Akron, OH 44310-2744

All creditors listed on the matrix

/s/ KATHRYN A. BELFANCE  
**KATHRYN A. BELFANCE**  
Registration No. 0018035  
50 S. Main Street, 10<sup>th</sup> Floor  
Akron, Ohio 44308  
(330) 434-3000  
(330) 434-9220 Fax  
[kb@rlblp.com](mailto:kb@rlblp.com)  
*Chapter 7 Trustee*